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Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts

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Report of the Secretary-General

Addendum

I. Introduction

1. The present addendum contains information taken from two additional replies to the request contained in paragraph 11 of General Assembly resolution 59/36 of 2 December 2004, received from Belgium and the Republic of Korea subsequent to the submission of the main report and its addendum 1.[1]

II. Information received from Member States

Belgium

[Original: French]
[16 October 2005]

2. Shortly after the entry into force of the Additional Protocols, the Belgian Government established, on 20 February 1987, an Interdepartmental Committee on Humanitarian Law (CIDH) to identify and examine national measures for the implementation of international humanitarian law, make proposals on such measures to the competent authorities, and monitor and coordinate the measures taken. Every

[1] The extracts from replies received prior to 5 October 2006 are contained in document A/61/222 and Add.1; the full texts of all replies are available for review in the Codification Division of the Office of Legal Affairs of the Secretariat.

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year, CIDH draws up an activity report, which is submitted to the ministers represented on the Committee.

3. Since its reorganization in 2003/04, the Committee has held four regular plenary meetings each year, but essentially functions through its working groups, of which there are currently six: communication, legislation, dissemination on international humanitarian law, protection of cultural property, International Red Cross Conferences and establishment of a national information office. The working groups consider the relevant issues and formulate proposals, which are then submitted to the plenary meeting of the Committee for consideration, discussion, final approval and transmittal to the competent authorities.

National implementation measures

4. Belgium has adopted national implementation measures in various areas governed by the instruments of the law of armed conflict, and especially by the Additional Protocols. It has notably taken measures in the following areas: prosecution and punishment of serious violations of international humanitarian law; appointment and training of qualified personnel, in accordance with Article 6 of Additional Protocol I; protection of the means of identification, signs and emblems of the Red Cross; establishment of a body of advisers on the law of armed conflict, in accordance with Article 82 of Additional Protocol I; recognition of the competence of the International Fact-Finding Commission; support for the international criminal tribunals; protection of cultural property in the event of armed conflict; protection of children's rights; international instruments concerning weapons; creation of the military section of the national information office; establishment of safety zones to shelter the injured, the sick and the personnel responsible for organizing and administering the zones; drafting of proposals on the commitments to be assumed by the Belgian Government (either alone or with the assistance of the National Red Cross Society) for the period 2004-2007, which were entered into at the 28th International Conference of the Red Cross and Red Crescent in December 2003; cooperation for development and humanitarian assistance; and the dissemination of international humanitarian law.

5. With regard more particularly to the protection of means of identification, signs and emblems of the Red Cross, Belgium signed, on 8 December 2005, Additional Protocol III relating to the adoption of the additional emblem. With regard to the international criminal tribunals, Belgium recently adopted the Act of 1 July 2006 amending the Act of 29 March 2004 concerning cooperation with the International Criminal Court and the international criminal tribunals in order to include in the Act a new Title V concerning the Special Court for Sierra Leone and a new Title VI concerning the Extraordinary Chambers for the prosecution of crimes committed during the period of Democratic Kampuchea.

6. Concerning the protection of cultural property, the Second Protocol to the Hague Convention of 1954, done at The Hague on 26 March 1999, was signed by Belgium on 17 May 1999 and approved by the Act of 30 September 2005. The ratification procedure is currently under way and, within this framework, CIDH has proposed to the Government a draft interpretative declaration relating to Article 22 of the Protocol, concerning the concept of "armed conflicts not of an international character". Thus far the Protocol has also been approved by certain federal entities

communities and regions), which are responsible for cultural property, the common heritage and monuments and sites in Belgium.

7. Mention may also be made of a recent development relating to arms and ammunition, namely, the passage of legislation on 18 May 2006 providing for the prohibition of submunitions. Shortly thereafter, on 8 June 2006, Belgium enacted a new law "regulating economic and individual activities with weapons". One chapter of this law concerns the classification of weapons and includes a list of categories of weapons that are deemed to be prohibited, such as anti-personnel mines, booby traps and other similar devices, submunitions, blinding laser weapons and incendiary weapons. Belgium is the first country in the world to enact such a measure on submunitions.

8. CIDH has set up a working group on the dissemination of international humanitarian law in education. Although initially limited to dissemination in education, its mandate was recently expanded to cover broad dissemination, including among the general public.

Other activities

9. CIDH has also organized a number of workshops and meetings, some of them in collaboration with the International Committee of the Red Cross, has begun to develop its own website, and has discharged its function as a Government advisory body, either at the request of ministers represented on the Committee or at its own initiative.

Republic of Korea

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[11 October 2006]

10. The Republic of Korea signed the Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Adoption of an Additional Distinctive Emblem (Additional Protocol III) (2005) on 2 August 2006, and will shortly begin the ratification procedure.

11. In 2002, the Republic of Korea established the National Committee on International Humanitarian Law, whose terms of reference are the following: (a) an evaluation of the Republic of Korea's compliance with and implementation of international humanitarian law; (b) drafting legislative proposals on the establishment and revision of national legislation related to international humanitarian law; (c) training the army and police and providing educational materials to educational institutions in respect of international humanitarian law; (d) developing and producing educational materials on international humanitarian law; (e) providing consultations on the interpretation and application of the principles of international humanitarian law; (f) interaction and cooperation with its counterparts in foreign countries; and (g) a variety of other matters in respect of international humanitarian law.

12. The Korean Red Cross International Humanitarian Law Institute hosts an annual seminar and several regular courses throughout the year to develop understanding of this important body of law, and offers various types of educational programmes to the general public.